



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SENT VIA ELECTRONIC MAIL
RECEIPT CONFIRMATION REQUESTED

Brodie Pederson
Plant Manager
Lehigh Cement Company LLC
700 25th Street NW
Mason City, Iowa 50401
Brodie.Pederson@leighhanson.com

Timothy J. Bergere
2005 Market Street, 29th Floor
One Commerce Square
Philadelphia, Pennsylvania 19103
tbergere@atllp.com

RE: Notice of Non-compliance with Consent Agreement and Final Order
EPA Docket No. CAA-07-2011-0012 and Finding of Violation

Dear Messrs Pederson and Bergere:

This letter concerns Leigh Cement Company LLC's compliance with the Clean Air Act, 40 C.F.R. Part 63, Subpart LLL, and completion of Conditions pursuant to the Consent Agreement and Final Order (CAFO), Docket No. CAA-07-2011-0012, filed November 17, 2021. Based on recent stack tests and reports, the U.S. Environmental Protection Agency has determined that Lehigh is not in compliance with the Clean Air Act or the CAFO as follows:

1. Lehigh violated Clean Air Act Section 112, 42 U.S.C. § 7412 by failing to demonstrate compliance through stack testing with the 40 C.F.R. Part 63, Subpart LLL emission standards for particulate matter, exceeding the 0.07 lb/ton clinker requirement beginning May 6, 2022, to present. This violation is ongoing.
2. On June 22, 2022, the EPA received Source Test report dated June 16, 2022. Lehigh failed to submit with this report the operation parameters of the control equipment as outlined in Paragraph 50(a) of the CAFO. Paragraph 50(a) states, "For EP 25, conduct quarterly stack tests for a period of one year, beginning 90 days after the Effective Date of this Consent Agreement, for PM as required in 40 C.F.R. Part 63 Subpart LLL. All stack test reports will include data on operational parameters of the control equipment (i.e., EPS Voltage, ESP amperage, ESP Total Power)". To date this information has not been provided.



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3. Paragraph 50(d) states, “For EP 26, conduct one stack test within 180 days of the Effective Date of this Consent Agreement to demonstrate compliance with the 0.015 gr/dscf PM and PM₁₀ Best Available Control Technology (BACT) emission limits and the 13.8 lb./hr. PM₁₀ emission limit established to protect the Prevention of Significant Deterioration (PSD) increment and the health-based NAAQS. These limits are in Iowa DNR construction permit 03-A-969-P2 and Title V operating permit 04-TV-011R2. Respondent must conduct this testing in accordance with all permit requirements of Iowa DNR construction permit 03-A-969-P2 and Title V operating permit 04 TV-011R2 or any revised permit issued for EP 26 for PM and PM₁₀ after the effective date of this Order and then in effect. Each test plan must be submitted timely to Iowa DNR and the EPA. Each test plan should include the production rate and those operating parameters identified in Paragraph 50(a) above, which are monitored during the test and included in the test report submission to Iowa DNR and the EPA.” Lehigh’s source test report dated June 16, 2022, does not include the milliamp values taken during the test to determine the Continuous Particulate Monitoring System (CPMS) values. To date, neither the Iowa DNR nor the EPA have received this information.

The EPA reserves its right to pursue enforcement and penalties for violations of Section 112 of the Clean Air Act, demand stipulated penalties, and/or pursue any additional enforcement action, as appropriate. As stated in the CAFO, Paragraph 68, any violation of the Order may result in a civil judicial action for an injunction or civil penalties of up to \$101,439 per day per violation, or both, as provided in Section 113(b)(2) of the Clean Air Act, 42, U.S.C. § 7413(b)(2), and adjusted for inflation pursuant to 40 C.F.R. Part 19, as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

Please provide documentation demonstrating compliance with the 40 C.F.R. Part 63, Subpart LLL, and the CAFO as stated above within thirty (30) days of the date of this letter.

If you have questions, please contact Sara Hertz Wu at (913) 551-7316.

Sincerely,

Tracey Casburn
Air Branch Chief
Enforcement and Compliance Assurance Division

cc: Brian Hutchins, IDNR (e-copy)